

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IDOLTHUS HUBBARD,

Petitioner,

v.

Case No. 07-CV-15392

THOMAS K. BELL,

Respondent.

ORDER GRANTING PETITIONER'S MOTION TO AMEND

This matter is before the court on Petitioner's motion to supplement his habeas petition to add the correct standard of review as to existing issues in his petition.

Petitioner's motion is dated June 16, 2008 and an attached affidavit is dated June 21, 2008, although those documents were not filed by the court until June 25, 2008.

Respondent filed an answer to the habeas petition on June 24, 2008.

Under the Federal Rules of Civil Procedure, a party may amend his or her pleadings once as a matter of course at any time before a responsive pleading is served. See Fed. R. Civ. P. 15(a).¹ Because Petitioner appears to have submitted his documents to prison officials before a responsive pleading was filed in this case, see *Houston v. Lack*, 487 U.S. 266, 270-76 (1988) (prisoners documents are deemed filed in federal court when submitted to prison officials for mailing under the "prison mailbox

¹Rule 15(a) applies to habeas corpus. See 28 U.S.C. § 2242 (habeas petitions "may be amended or supplemented as provided in the rules of procedure applicable to civil actions").

rule”), he has the right to amend the petition without seeking permission from the court.
Accordingly,

IT IS ORDERED that Petitioner’s motion to amend is GRANTED. The information submitted with Petitioner’s motion has been filed and shall be considered as part of the petition. If desired, Respondent may file an answer to the supplemental information within 30 days of the filing date of this order. Petitioner shall then have 45 days to file any reply to Respondent’s answer(s).

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: July 18, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, July 18, 2008, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522